

REMARKS

The Applicant provides the following remarks for consideration in further examination of the present application and explanation of the amendments presented herein.

Claim Rejections under 35 USC §101

Claims 42-56 were rejected as being directed to non-statutory subject matter. Applicant has amended all independent claims in this grouping to overcome this rejection.

Claim Rejections – 35 U.S.C. § 103(a)

Applicant previously elected to prosecute claims 8-21 and 42-56. Claims 8-21, 42 and 44-48 were rejected in the Office Action dated July 3rd, 2008, under 35 U.S.C. §103(a) over U.S. Pat. No. 6,990,458 to Harrison et al. (“Harrison”). Claim 15 was rejected under 35 U.S.C. §103(a) over Harrison in view of U.S. Pat. No. 7,022,017 to Halbritter, et al. (“Halbritter”). Remaining claims 43 and 49-56 were rejected under 35 U.S.C. §103(a) over Harrison in view of U.S. Pat. No. 6,219,648 to Jones, et al. (“Jones”).

Remarks directed primarily to claims 8-21

Applicant has currently amended independent claim 8, and thereby dependent claims 9-21, to more clearly distinguish the claimed invention from the cited prior art. Claim 8 as amended requires the additional step of “selecting with the second computer a receiver from a plurality of potential receivers corresponding to the digitized service request, the receiver having access to a third computer”. This addition limitation makes it clear that the receiver is selected by the second computer and is supported by the specification and originally filed claims and abstract. The selection step is not merely the automation of a simplistic action performed manually because the recipient must be selected from a plurality of potential recipients and some care must be given in that selection to enable the system to function in the real world as is described in the present application. The potential receivers are those “corresponding to the

digitized service request”, which means that the potential receivers has some connection with the digitized service request such as the ability to indirectly or directly resolve it as described in the present invention. By this amendment, Applicant further clarifies that Harrison is deficient in all the claimed features. For example, a key difference between the system disclosed in Harrison and claimed invention is that Harrison uses a computer to merely help track service requests while retaining all employee positions associated with prior art cable television servicing, while the present invention automatically creates work orders in a more complex property management environment allowing both the service request data entry person 112 and the dispatcher 114 positions to be completely automated and eliminated, thereby resulting in far greater efficiencies and eliminating error associated with these positions. Harrison discloses that “[i]n a preferred embodiment, subscribers 108 communicate solely with service representative 112, while the technicians 110 communicate primarily with dispatcher 114.” The service representative 112 and dispatcher 114 do not exist in the claimed invention and removing them from the process is non-trivial and highly advantageous in terms of not just speed, but also cost, accuracy, reliability, etc.

The system of Harrison receives messages communicated by e-mail, telephone, fax, etc., but the messages are entered into a computer by the service representative. This is accomplished automatically in independent claim 8 and dependent claims 9-21. Claim 8 has been amended to recite, “receiving a digitized service request from the service requestor, the digitized service request being entered by the service requestor into a web-based interface accessed by a first computer; storing the digitized service request with a second computer, the second computer being programmed to receive and store the digitized service request automatically; and”. Thus claims 8-21 require that the service requestor, NOT a service representative enter the data directly and that the information be stored automatically, which is clearly different and far more efficient and effective than the system disclosed by Harrison.

Previously, claims 8-21 were amended to distinguish the claimed invention from Harrison. Claims 8-21 require, “transmitting the digitized service request **automatically** to the third computer capable of displaying the digitized service request, the third computer being accessible to a receiver wherein the receiver is not the service requestor.” (emphasis added). Harrison requires a dispatcher 114 to transmit instructions to technicians 110, while the claimed invention as amended requires that this be done “automatically”. It seems axiomatic, however,

not all automation is unpatentable as the current rejection seems to imply, especially when a number of obstacles had to be overcome to achieve that automation as is described throughout the specification.

The amendment to claims 8-21 supported throughout the specification, for example, in paragraph 0033: "In the case where the service request initiator is a tenant, the tenant begins by using a browser to access the Internet and reach a web site supporting the present invention. The service request initiator logs onto the system at that web site with an assigned user ID and password. The service request initiator can then select a hypertext link to enter a new service request. The system prompts the service request initiator to use pull-down menus to enter data into various fields such as the type of location of the problem, type of service needed and urgency. The request initiator also enters a description of the nature of the problem requiring service and submits the service request by selecting a submission button. Additional information about the service requestor and time of the request is automatically entered into the request."

Therefore, for the reasons given and the amendments presented claims 8-21 are not anticipated nor rendered obvious by Harrison.

Remarks directed primarily to claim 15

Claim 15 is dependent upon independent claim 8 which was amended and reviewed in the remarks, supra, thereby distinguishing claim 15 over Harrison. Specifically with regard to the rejection of claim 15, the only sentence in the cited paragraph (Col. 3, Lines 26-43) of Halbritter that mentions audio data, specifically with regard to "menus", was added to Halbritter in the last application in the chain, which was filed on January 21, 2000. Halbritter was a continuation-in-part patent application to the patent application that became U.S. Pat. No. 6,280,328, which does not mention any audio data and/or audio transmission and in fact a simple keyword search shows that it does not include the word "audio" at all. If necessary, Applicant believes that Applicant can demonstrate that its claimed invention was conceived well prior to January 21, 2000 and was reduced to practice with diligence. Applicant hereby reserves the right to make this demonstration at a later date if necessary. However, for purposes of this response, Applicant chooses to contest the merit of the Examiner's assertion that Harrison in view of Halbritter produces the claimed invention of claim 15. As pointed out herein, Harrison does not

contain the necessary selection and automation features as now recited in amended independent claim 8 and dependent claims 9-21, and this is also true for dependent claim 15. Furthermore, regarding “an audio portion of the digital service request” Halbritter only discloses “[a]menities server 104 . . . transmits menus (e.g., in the form of text, graphics, video, audio) . . .”, which is not the playing of “an audio portion of the digital service request”. A menu is pre-programmed into Halbritter while a digital service request is a not a menu and is not so restricted in order to reflect the diversity of requests associated with real property. Therefore, with all the caveats stated herein, the proposed combination of Harrison and Halbritter does not anticipate, nor render obvious, the claimed invention of claim 15, as amended.

Remarks directed primarily to claims 42 and 44-48.

The rejection to this set of claims is premised on them containing “non-functional” descriptive material, but completely ignored that the step of “identifying, with the property management system, a property manager by successively reviewing increasingly more general descriptions of the management affiliation of the property until (an appropriate recipient) is identified”. Applicant asserts that this step is not properly described in the office action which simply states “identifying with the system an appropriate technician to respond to the request”. The property manager may or may not be an appropriate technician to respond to the request and often will need to refer to service providers to actually respond to the request. This is yet another difference between Harrison and present claimed invention as Harrison refers only to cable television technicians whereas a large variety of service personnel may be implicated in service requests associated with managing real property. Furthermore, this limitation is based on “reviewing increasingly more general descriptions of the management affiliation”, is not described or suggested in Harrison. As compared to the system described in Harrison, both the problem of identifying management affiliation and its solution are unique to the present invention of managing real property. Exactly who is responsible as property manager for the thing requiring servicing in real property that is the subject of the digital service request is not always immediately clear because it can depend on the hierarchy of the property management entity as described in the application. For example, see Figure 4 and corresponding paragraphs 47 and 48. Applicant asserts that the step of “identifying, with the property management system,

a property manager by successively reviewing more general descriptions of the management affiliation of the property. . .” is clearly a actual functional claim limitation, not appearing in any of the cited prior art and therefore the basis for this rejection should be removed.

Remarks directed primarily to claims 43 and 49-56.

The remainder of the claims depend from independent claim 49 which requires, “the service request having a specified level of urgency and being received by the property management system; identifying a recipient; comparing with the property management system the specified level of urgency against contact preferences previously specified by the recipient”. As in the remarks pertaining to claims 42 and 44-48, many of which apply here as well, Jones is insufficient to produce the claimed steps in combination with Harrison. In Jones the passage of time determines the level of urgency. In the claimed invention the service request already has a “specified level of urgency” which is used to direct the request to the correct recipient. This is not disclosed in Jones, therefore, the combination of Harrison and Jones does not anticipate, nor render obvious the claimed invention.

Conclusion

Applicant respectfully asserts that as amended, the pending claims are allowable over Harrison, Halbritter and Jones, individually or in combinations, and Applicant earnestly requests an indication of allowability of the claims as amended

If the Examiner has any additional questions, he is encouraged to contact the Attorney of Record, Mark A. Thomas, Reg. No. 37, 953.

Respectfully submitted this 5th day of January, 2009.



Mark A. Thomas, Esq.
Registration No. 37,953
MARK A. THOMAS, P.C.
10138 South Cottoncreek Drive
Highlands Ranch, Colorado 80130-3848
303-470-3838 (TEL), 303-470-3837 (FAX)